Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/043,575	WOLFF ET AL.
	Examiner	Art Unit	
	Ryan F Pitaro	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 April 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37 and 39-42* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-37 and 39-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

Claims 1-37,39-42 are pending in the application. Claims 1-37,39-42 were amended

claim 38 has been cancelled. This Action is Final.

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires

the original numbering of the claims to be preserved throughout the prosecution. When

claims are canceled, the remaining claims must not be renumbered. When new claims

are presented, they must be numbered consecutively beginning with the number next

following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 37 should been renumbered claim 38.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

2.   Claims 35-37,39 are rejected under 35 U.S.C. 102(b) as being anticipated by Lin

("Lin", An Ink and Voice Annotation System for DENIM).

As per independent claim 35, Lin discloses a computer implemented method for

displaying objects with annotations, the method comprising the steps of: retrieving an

image (Page 3 Figure 4a); displaying the image with a visual notation that an annotation exists (Page 3 Figure 4c item 1); receiving user selection of an image (Page 3 Figure 4a selected from Page 2 Figure 2); and outputting a notation associated with the selected image (Page 3 Figure 4b and 4c) determining whether the annotation includes text; retrieving a text annotation for the selected image; and displaying the retrieved text with the image (Page 5 lines 16-26).

As per claim 36, which is dependent on claim 35, Lin discloses a method wherein the annotation is text and the step of outputting is displaying the text proximate an image that it annotates (Page 3 Figure 3).

As per claim 37, which is dependent on claim 35, Lin discloses a method wherein the annotation is an audio signal and the step of outputting is playing the audio signal (Page 3 Figure 4b).

As per claim 39, which is dependent on claim 35, Lin discloses a method further comprising the steps of: determining whether the annotation includes an audio signal (Page 3 Figure 4c item 1); retrieving a audio signal for the selected image (Page 3 lines 16-17); and wherein the step of outputting is playing the audio signal (Page 3 Figure 4b).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-34,40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson ("Anderson", US 6,499,016) in view of Balabanovic ("Balabanovic", Multimedia Chronicles for Business Communication).

As per independent claim 1, Anderson discloses an apparatus for direct annotation of objects, the apparatus comprising: a display device for displaying one or more images (Column 2 lines 56-61); an audio input device for receiving an audio input (Column 2 lines 56-61); and a direct annotation creation module coupled to receive an input audio signal from the audio input device and to receive a reference to an image from the display device, the direct annotation creation module creating an annotation object that associates an input audio signal with an image (Column 3 lines 13-17). Anderson fails to distinctly point out automatically creating an annotation object independent from the image. However, Balabanovic teaches in response to receiving the audio input signal and the reference to the image, automatically creating an annotation object, independent from the image, that associates the input audio signal with the image (Column 7 lines 34-48, lines 51-61). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Balabanovic into the system of Anderson. Motivation to do so would have been to provide a user with a freeform surface which audio clips can be arranged.

As per claim 2, which is dependent on claim 1, Anderson-Balabanovic discloses the apparatus of claim 1 further comprising an annotation display module (Anderson, Column 3 lines 19-22) coupled to the direct annotation creation module, the annotation

display module generating symbols or text representing the annotation objects

(Anderson, Column 3 lines 13-17; *corresponding text annotations*).

As per claim 3, which is dependent on claim 1, Anderson-Balabanovic discloses

an annotation audio output module coupled to the direct annotation creation module, the

annotation audio output module generating audio output in response to user selection of

an annotation symbol representing an annotation object (Balabanovic, Column 7 lines

50-62, Column 8 lines 23-27).

As per claim 4, which is dependent on claim 1, Anderson-Balabanovic discloses

The apparatus of claim 1 further comprising: an audio vocabulary storage for storing a

plurality of audio signals and corresponding text strings (Anderson, Figure 3a); an audio

vocabulary comparison module coupled to the audio input device (Anderson, Column 3

lines 66-67), the audio vocabulary storage and the direct annotation creation module

(Anderson, Figure 1), the audio vocabulary comparison module receiving audio input

and finding a corresponding text string that matches the audio input (Anderson, Column

5 lines 31-35); and wherein the direct annotation creation module uses text strings

found by the audio vocabulary comparison module to create the audio annotation

(Anderson, Column 5 lines 52-55).

As per claim 5, which is dependent on claim 1, Anderson-Balabanovic discloses

the apparatus further comprising: an audio vocabulary storage for storing a plurality of

audio signals and corresponding text strings (Anderson, Figure 1); a dynamic

vocabulary updating module coupled to the audio vocabulary storage and the audio

input device (Anderson, Figure 1), the dynamic vocabulary updating module for

displaying an interface to create a new entry in the audio vocabulary storage (Anderson,

Column 5 lines 38-46), the dynamic vocabulary updating module receiving an audio

input and a text string and creating the new entry in the audio vocabulary storage

(Anderson, Column 5 lines 50-51).

As per claim 6, which is dependent on claim 1, Anderson-Balabanovic discloses

the apparatus of claim 1 further comprising a media object cache for storing media and

annotation objects (Anderson, Column 4 lines 61-67).

As per independent claim 7, Anderson-Balabanovic discloses an apparatus for

use with a system for storing, accessing, and presenting objects such as video objects,

text objects, audio objects, or image objects, direct annotation of objects, the apparatus

comprising: a direct annotation creation module coupled to receive an input audio signal

and reference to an image (Anderson, Column 4 lines 61-63), the direct annotation

creation module creating an annotation object, independent of the image (Balabanovic,

Column 7 lines 51-61), that associates a symbol or text with the image (Anderson,

Column5 lines 31-35); and an annotation display module coupled to the direct

annotation creation module (Anderson, Figure 1), the annotation display module

generating the symbol or text representing the annotation object on a display device

(Anderson, Column 6 lines 26-31,35-38).

As per independent claim 8, Anderson discloses an apparatus for direct

annotation of objects for use with a system for storing, accessing, and presenting

objects such as video objects, text objects, audio objects, or image objects, the

apparatus comprising: a direct annotation creation module coupled to receive an input

audio signal and a reference to an image (Anderson, Column 4 lines 61-63), the direct

annotation creation module creating an annotation object, independent of the image

(Balabanovic, Column 7 lines 51-61), that associates the input audio signal and the

image (Anderson, Column 5 lines 31-35), the annotation object including at least an

audio input field, an image reference field, and an annotation location field

(Balabanovic, Column 7 lines 34-61), the annotation audio output module coupled to the

direct annotation creation module, the annotation audio output module generating audio

output in response to user selection of an annotation symbol representing the

annotation object (Balabanovic, Column 7 lines 50-62, Column 8 lines 23-27).

As per independent claim 9, Anderson-Balabanovic discloses an apparatus for

direct annotation of objects, the apparatus comprising: a media object storage for

storing media and annotation objects (Anderson, Figure 1 item 24); and a direct

annotation creation module coupled to receive an input audio signal and a reference to

an image (Anderson, Column 4 lines 61-63), the direct annotation creation module

creating an annotation object, independent of the image (Balabanovic, Column 7 lines

51-61), that associates the input audio signal and the image (Anderson, Column 5 lines

31-35), the direct annotation creation module storing the audio annotation in the media

object storage (Anderson, Column 5 lines 52-57;*May be deleted*)..

As per independent claim 10, Anderson-Balabanovic discloses a computer

implemented method for direct annotation of objects, the method comprising the steps

of: displaying an image (Anderson, Figure 1 item 18); receiving audio input (Anderson,

Column 3 lines 10-13); detecting selection of an image (Anderson, Column 3 lines 13-

17); and creating an annotation object, independent of the selected image (Balabanovic, Column 7 lines 51-61), between the selected image and the audio input (Anderson, Column 3 lines 13-17)., the annotation object including at least an audio input field, an image reference field, and an annotation location field (Balabanovic, Column 7 lines 34-61).

As per claim 11, which is dependent on claim 10, Anderson-Balabanovic discloses a method where the step of displaying is performed before or simultaneously with the step of receiving (Anderson, Column 3 lines 10-16; *recording at the time of capture*).

As per claim 12, which is dependent on claim 10, Anderson-Balabanovic discloses a method wherein the step of receiving is performed before or simultaneously with the step of displaying (Anderson, Column 3 lines 10-16; *recording at the time of capture*).

As per claim 13, which is dependent on claim 10, Anderson-Balabanovic teaches a method wherein the step of detecting selection includes detecting a portion of the image (Balabanovic, Column 8 lines 49-51); and wherein the annotation creates an association between the portion of the image and the audio input (Balabanovic, Column 8 lines 49-51, Figure 4).

As per claim 14, which is dependent on claim 10, Anderson-Balabanovic teaches a method further comprising the step of displaying a visual notation that the image has an annotation (Balabanovic, Figure 4; apparent that the document has an annotation by displaying the image and the clip).

As per claim 15, which is dependent on claim 14, Anderson-Balabanovic teaches the visual notation being text or a symbol (Figure 4; picture of man's face).

As per claim 16, which is dependent on claim 10, Anderson-Balabanovic discloses a method wherein the step of creating an annotation includes creating an annotation object and storing the annotation object in an object storage (Anderson, Fig 3a).

As per claim 17, which is dependent on claim 10, Anderson-Balabanovic discloses a method further comprising the step of recording the audio input received (Anderson, Column 3 lines 10-13).

As per claim 18, which is dependent on claim 17, Anderson-Balabanovic discloses a method wherein the step of creating an annotation includes creating an annotation object and storing the recorded audio input as part of the annotation object (Anderson, Column 3 lines 39-43).

As per claim 19, which is dependent on claim 10, Anderson-Balabanovic discloses a method, further comprising the step of comparing the audio input to a vocabulary to produce text (Anderson, Column 3 lines 59-65).

As per claim 20, which is dependent on claim 19, Anderson-Balabanovic discloses a method, wherein the step of creating an annotation includes creating an annotation object and storing the text as part of the annotation object (Anderson, Column 5 lines 31-36).

As per claim 21, which is dependent on claim 10, Anderson-Balabanovic discloses a method further comprising the steps of comparing the audio input to a vocabulary (Anderson, Column 5 lines 31-35); determining if the audio input has a matching entry in the vocabulary (Anderson, Column 5 lines 36-38); and storing the entry as part of the annotation object if the audio input has a matching entry in the vocabulary (Anderson, Column 5 lines 52-57).

As per claim 22, which is dependent on claim 21, Anderson-Balabanovic discloses a method further comprising the steps of: determining if the audio input has a close match in the vocabulary (Anderson, Column 5 lines 36-38); displaying the close matches (Anderson, Column 5 lines 40-46;*options*); receiving input selecting a close match (Anderson, Column 5 lines 40-46;*options chosen*); and storing the selected close match as part of the annotation object if the audio input has a close match in the vocabulary (Anderson, Column 5 lines 52-57).

As per claim 23, which is dependent on claim 22, Anderson-Balabanovic discloses the method, further comprising the step of displaying a message that the image has not been annotated if there is neither a matching entry in the vocabulary nor a close match in the vocabulary (Anderson, Column 5 lines 47-51).

As per claim 24, which is dependent on claim 22, Anderson-Balabanovic discloses a method, further comprising the following steps if there is neither a matching

entry in the vocabulary nor a close match in the vocabulary: receiving text input corresponding to the audio input (Anderson, Column 5 lines 47-51;*email for instant messages is text*); updating the vocabulary with a new entry including the audio input and the text input (Anderson, Column 5 lines 52-57*after corrected*); and wherein the received text is stored as part of the annotation object (Anderson, Column 5 lines 52-57; *after corrected*).

As per claim 25, which is dependent on claim 10, Anderson-Balabanovic discloses a method, further comprising the steps of: receiving text input corresponding to the audio input (Anderson, Column 5 lines 47-51); updating the vocabulary with a new entry including the audio input and the text input (Anderson, Column 5 lines 52-57).

As per independent claim 26, Anderson discloses a method for direct annotation of objects, the method comprising the steps of: displaying an image (Anderson, Figure 1 item 18); receiving audio input (Anderson, Column 3 lines 10-13); detecting selection of an image (Anderson, Column 3 lines 13-17); comparing the audio input to a vocabulary to produce text (Anderson, Column 3 lines 13-16); and creating an annotation between the selected image and the text (Anderson, Column 3 lines 13-16).

As per claim 27, which is dependent on claim 26, Anderson-Balabanovic discloses further comprising the step of recording the audio input received (Anderson, Column 3 lines 39-42).

As per claim 28, which is dependent on claim 27, Anderson-Balabanovic discloses the method, wherein the step of creating an annotation includes creating an annotation object including a reference to the selected image, the recorded audio input

and the text (Figure 3a), and storing the annotation object in an object storage

(Anderson, Figure 1 item 24).

As per claim 29, which is dependent on claim 26, Anderson-Balabanovic

discloses the method, wherein the step of creating an annotation includes creating an

annotation object and storing the text as part of the annotation object (Anderson,

Column 3 lines 30-39).

As per claim 30, which is dependent on claim 26, Anderson-Balabanovic

discloses a method further comprising the steps of determining if the audio input has a

matching entry in the vocabulary (Anderson, Column 5 lines 56-41); and storing the

entry as part of the annotation object if the audio input has a matching entry in the

vocabulary (Anderson, Column 5 lines 52-57).

As per claim 31, which is dependent on claim 29, Anderson-Balabanovic

discloses a method, further comprising the steps of: determining if the audio input has a

close match in the vocabulary (Anderson, Column 5 lines 36-41); displaying the close

matches (Anderson, Column 5 lines 38-46;*options)*; receiving input selecting a close

match (Anderson, Column 5 lines 38-46; *chosen options*); and storing the selected

close match as part of the annotation object if the audio input has a close match in the

vocabulary (Anderson, Column 5 lines 52-57).

As per claim 32, which is dependent on claim 30, Anderson-Balabanovic

discloses the method, further comprising the step of displaying a message that the

image has not been annotated if there is neither a matching entry in the vocabulary nor

a close match in the vocabulary (Anderson, Column 5 lines 46-51).

As per claim 33, which is dependent on claim 30, Anderson-Balabanovic discloses a method, further comprising the following steps if there is neither a matching entry in the vocabulary nor a close match in the vocabulary: receiving text input corresponding to the audio input (Anderson, Column 5 lines 46-51); updating the vocabulary with a new entry including the audio input and the text input (Anderson, Column 5 lines 50-51); and wherein the received text is stored as part of the annotation object (Anderson, Column 5 lines 52-57).

As per claim 34, which is dependent on claim 26, Anderson-Balabanovic discloses a method, further comprising the steps of: receiving text input corresponding to the audio input (Anderson, Column 46-51); updating the vocabulary with a new entry including the audio input and the text input (Anderson, Column 5 lines 50-51).

As per independent claim 40, Anderson-Balabanovic discloses a method for retrieving images, the method comprising the steps of: receiving audio input (Anderson, Column 6 lines 9-11); determining annotation objects that reference a close match to the audio input (Anderson, Column 6 lines 34-42); retrieving the images that are referenced by the determined annotation objects (Anderson, Column 6 lines 41-42); and displaying the retrieved images (Anderson, Column 6 lines 34-42).

4.   Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson ("Anderson", US 6,499,016) and Balabanovic ("Balabanovic", Multimedia Chronicles for Business Communication).

As per claim 41, which is dependent on claim 40, Anderson-Balabanovic discloses a method wherein the step of determining annotation objects further comprising the steps of: comparing the audio input to an audio signal reference by an annotation object (Column 5 lines 30-35); and determining a close match between the audio input to the audio signal reference by an annotation object if a probability metric is greater than an a threshold (Column 5 lines 35-38). Anderson-Balabanovic fails to disclose a threshold of 80%. However, Official Notice is taken that a threshold of 80% is well known in the art, 80% is not a definitive threshold, and could be replaced by any other value. Therefore it would have been obvious to combine the method of Anderson-Balabanovic with the current teaching. Motivation to do so would have been to provide a standard of matching.

As per claim 42, which is dependent on claim 40, Anderson-Balabanovic discloses a method wherein the step of determining annotation objects further comprising the steps of: determining the annotation objects for a plurality of images; for each annotation object, comparing the audio input to an audio signal reference by an annotation object (Column 5 lines 30-35); and determining a close match between the audio input to the audio signal reference by an annotation object if a probability metric is greater than an a threshold (Column 5 lines 35-38). Anderson-Balabanovic fails to disclose a threshold of 80%. However, Official Notice is taken that a threshold of 80% is well known in the art, 80% is not a definitive threshold, and could be replaced by any other value. Therefore it would have been obvious to combine the method of Anderson-

Balabanovic with the current teaching. Motivation to do so would have been to provide a standard of matching.

Response to Arguments

Applicant's arguments with respect to claims 1-36, and 38-41 have been considered but are moot in view of the new ground(s) of rejection.

Furthermore, the Office notes that applicant did not contest the factual assertion set forth under Official Notice in claims 41 and 42 on pages 14-15 of the Office Action of 12/30/2004.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm M-Th, and alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Pitaro
Patent Examiner
Art Unit 2174

RFP

KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100